

the banking agencies and the National Credit Union Association will be required to write rules on the size and prominence of the disclosure of the opt-out telephone number that is included with offers of credit to consumers.

In order to ensure that consumers are aware of the many rights provided for them under the Fair Credit Reporting Act, this bill directs the FTC to undertake an educational campaign. The FTC is directed to actively publicize, and conspicuously post on its website, a number of important FCRA consumer rights. Among these are the right to obtain free credit reports annually, and other circumstances in which consumers may obtain free credit reports; the right of a consumer to dispute information in his or her credit report; the consumer's right to obtain a credit score from a consumer reporting agency, and a description of how to obtain a credit score; and the consumer's right to opt out of prescreened lists, and the toll-free telephone number maintained by the national credit bureaus by which consumers may opt out. This FTC campaign will help ensure that Americans are informed of their rights under the FCRA, including the new rights afforded to them by this Act.

This legislation will also add a new provision to the FCRA that would provide consumers with a notice when they receive less favorable credit terms, based on their credit report. Receiving the notice would trigger the consumer's right to examine his or her credit report free of charge. Although the new provision would give the Federal Trade Commission and the Federal Reserve Board broad authority to make rules regarding the form and content of the notice and when it should be delivered, the notice, by its very logic, must be given after the terms of the offer have been set based on whole or in part on the credit report. The notice should be provided as early as practicable in the transaction after the terms have been set.

This legislation will also benefit consumers by requiring Federal agencies to provide greater oversight of the accuracy and integrity of credit reports. Under this act, Federal banking regulators and the Federal Trade Commission will, for the first time, establish and maintain guidelines regarding the accuracy and integrity of information provided by data furnishers to credit reporting agencies. The Act also requires these agencies to prescribe regulations requiring creditors and other furnishers of information to credit bureaus to establish reasonable policies and procedures for implementing these guidelines. For the purposes of this section, "accuracy" relates to whether the information that is provided by data furnishers to credit reporting agencies is factually correct. The term "integrity" relates to whether all relevant information that is used to assess credit risk and to grant credit is

accurately provided. Integrity of information is not achieved when furnishers do not fully provide data that, by its absence, could have a positive or negative effect on a consumer's credit score, or on his or her ability to obtain credit under the most favorable terms for which he or she qualifies.

The bill also contains important provisions relating to financial companies' ability to market to their customers based on private financial information of the customers that has been shared among affiliates. For the first time, the bill will require affiliates who share customer information to make solicitations for marketing purposes to disclose this sharing to consumers, and to provide consumers with an opportunity to opt out of marketing resulting from such sharing. Exceptions are provided for pre-existing customers, solicitations based on existing shared data, solicitations contracted for by employers, compliance with State insurance laws, service providers, and responding to consumer requests.

In addition to providing an opt-out of marketing based on affiliate sharing, this legislation helps protect consumers' private financial information by including a number of important identity theft prevention and protection provisions. I want particularly to note Senator CANTWELL's leadership in the area of identity theft. Senator CANTWELL's identity theft legislation passed on the floor of the Senate last year, and several of the provisions from her bill have been incorporated in the FACT Act, including an extension of the statute of limitations, provisions allowing consumers to block identity theft information from appearing on their credit reports, and a provision allowing consumers to obtain copies of business records reflecting any transactions that have been carried out in their name by identity thieves. I believe that these provisions will be beneficial to identity theft victims, and I want to commend Senator CANTWELL's leadership in this area along with that of Senators ENZI and FEINSTEIN.

After careful consideration by the conferees, the conference report provides for preemption of the States with respect to conduct required by specific listed provisions of the Act on identity theft. This narrowly focused preemption will leave States free to supplement these protections and to develop additional approaches and solutions to identity theft.

I would also like to highlight the important steps this legislation takes to improve the financial literacy of consumers by establishing a Financial Literacy and Education Commission which will coordinate promotion of Federal financial literacy efforts, and will develop a national strategy to promote financial literacy and education. I want to commend Senators ENZI and STABENOW, along with Senators CORZINE, AKAKA and others, for their leadership in the Senate in this area. The House had a strong interest in the

development of this title, and added, among other provisions, an authorization of \$3 million dollars for the development of a national public service multimedia campaign that will be consistent with the national strategy.

In closing, I would like to take a moment to acknowledge the outstanding work done by the staff of the Committee on this legislation. On my staff, I would like to express my deep appreciation for the work done by Lynsey Graham as well as Dean Shahinian, Aaron Klein, Marty Gruenberg and Steve Harris.

It was a pleasure working with the staff of Chairman SHELBY who are to be congratulated for their outstanding work. I particularly want to acknowledge the work of Mark Oesterle, Doug Nappi and Chairman Shelby's staff director, Kathy Casey.

I would also like to thank Laura Ayoud from Senate Legislative Counsel, who has worked tirelessly and, as always, effectively, to put this package together.

I would also like to acknowledge the vital role played in developing this legislation by all of our Senate conferees: Senators BENNETT, ALLARD, ENZI, DODD and JOHNSON, and in particular by the Chairman, Senator SHELBY.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Naples, FL. In May of 2003, a 17-year-old reportedly drove around the parking lot of a downtown bar, yelling homosexual epithets while attempting to run one man down and to attack another. Michael R. Schmaeling was later arrested and charged with two counts of aggravated assault and one count of evidencing prejudice during an offense.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING BILL SIMPSON

Mr. COCHRAN. Mr. President, the death of Bill Simpson on November 20 at the Veterans Medical Center here in Washington was very much like having a death in the family of the Senate.

Bill was known to many of us as the well-respected and effective Administrative Assistant of former Senator James O. Eastland of Mississippi. He

served for 10 years on Senator Eastland's staff and was widely known in Mississippi as the person to call to get things done in our State.

I first met him when he became a member of the staff of Governor Paul B. Johnson, Jr. Bill was a talented speech writer as well as an astute political tactician for Governor Johnson. They accomplished a great deal in that 4-year term because of the thoughtful leadership of Governor Johnson and the able assistance of Bill Simpson. The "Shipyard of the Future" was built by Litton Industries at Pascagoula and the Mississippi Research and Development Center was established in Jackson.

When I was elected to the Senate in 1978 to replace Senator Eastland, I tried to talk Bill Simpson into staying on as a member of my staff, but President Carter was more persuasive, and Bill left the Senate to serve as an assistant to Hamilton Jordan, the Chief of Staff in The White House.

Bill Simpson grew up on the Mississippi Gulf Coast and graduated from St. Stanislas College in Bay St. Louis and the U.S. Merchant Marine Academy at Kings Point, NY. His father served as Mayor of Pass Christian and his brother, Jim Simpson, Sr. was a 7-term member of the Mississippi House of Representatives.

Bill's nephew, Jim Simpson, Jr., carries on the family tradition in Mississippi politics as a respected member of the House of Representatives from Harrison county, and his son, Bill Simpson, Jr., serves on the staff of the Senate Appropriations Committee.

Bill enjoyed the love and support of a devoted family and the camaraderie of countless friends. As chairman of the board of the 116 Club he would hold court and tell stories about the Senate and our State of Mississippi with a twinkle in his eye and love in his heart.

We extend to his wife, Evelyn, and his children, Bill, Jr. and Ellen, and his three grandchildren, our sincerest condolences.

HONORING THE ARMED FORCES

SERGEANT MAJOR CORNELL W. GILMORE

Mr. WARNER. Mr. President, I seek recognition to honor a Virginia Soldier, Sergeant Major Cornell W. Gilmore, who was tragically killed in action in Iraq on Friday, November 7th, 2003. I want to express gratitude, on behalf of the Senate, for his service to our Nation. The American people, I am certain, join me in expressing their prayers and compassion to his family.

As the Sergeant Major of the Army's Judge Advocate General Corps, he served as the primary adviser to the judge advocate general on all matters concerning the health and welfare of all the enlisted soldiers within that command. A heavy responsibility that he bore freely and he served with great effect. He accompanied his commanding general, Major General Thomas J. Romig, to Iraq to ensure the sol-

diers legal needs were being met while away from home. Major General Romig stated that he was "one of the most dynamic leaders I ever met."

Sergeant Major Gilmore leaves behind his wife, Donna; his daughter, Dawnita; his son, Cornell, Jr.; his father William; and his mother, Louise.

Sergeant Major Gilmore was both an exceptional soldier and a caring citizen, giving his time freely to community and his church. At every post throughout his career he has been a mentor to many through his love of God and music, most recently serving as the music minister at the Shilo Christian Church in Stafford, VA. The local media reported that 100 former pupils served in the choir during his funeral service with more than 1300 mourners present.

His family members are brave Americans who have sacrificed so much for this Nation. We owe them and the other families who have lost their loved ones a debt of gratitude. Sergeant Major Gilmore was an exceptional man with a bright future and family in front of him. His wife stated, "he lived and died doing what he loved best—being with soldiers." I cannot craft a finer eulogy, the Commonwealth of Virginia and the entire Nation shall mourn his loss.

NOBEL PEACE PRIZE WINNER RALPH BUNCHE

Mr. TALENT. I am pleased that the Senate unanimously approved a resolution to recognize the importance of Ralph Bunche as one of the great leaders of the United States. Mr. Bunche was the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner for civil rights for people throughout the world.

He was of that generation of African-American leaders whose life and character broke the back of generations of prejudice, awoke the American conscience, and opened up opportunity for millions of people. This measure is an appropriate and fitting celebration of the 100th anniversary of his birth.

ACCESS TO JUSTICE IN FEDERAL COURTS

Mr. CORNYN. Mr. President, I am pleased to report that, last Friday, S. 1720 was presented to the President for his consideration, after receiving the unanimous approval of both the House and Senate. I sponsored S. 1720, joined by Senator HUTHINSON, because I believe that this legislation is necessary to ensure that all of the citizens of North Texas have access to justice in the Federal courts.

S. 1720 authorizes the United States District Court for the Eastern District of Texas to hold court in the City of Plano. Such legislation was first endorsed by the Judicial Conference of the United States and the Eastern District of Texas in 1991. Yet although,

prior to this year, the House had already approved such legislation five times since 1991, it has never received the approval of the Senate Judiciary Committee and the Senate until this year.

Federal law does not currently authorize the Eastern District of Texas to hold court in Plano—making the Eastern District, of all 93 judicial districts across the United States, the only judicial district in which its largest city cannot hold Federal court. The nearest Eastern District judge is in the city of Sherman, a 100-mile or more roundtrip drive away. As a result, Federal prosecutors, public defenders, other attorneys, and law enforcement officials must waste precious time and resources conducting even the most simple court business. The people of the Eastern District of Texas are woefully underserved as a result.

S. 1720 enjoys strong support among officials across the State of Texas. Most notably, U.S. Attorney Matthew D. Orwing, First Assistant U.S. Attorney Rebecca Gregory, Chief Judge John Hannah, Jr., and Judge Richard A. Schell worked closely with my office in this effort, and I am grateful to each and every one of them for working with me to ensure that the people of North Texas enjoy adequate access to justice in the Federal courts.

The judges of the Eastern District firmly believe that this legislation is good for the citizens of Sherman as well as Plano. On June 13, 2003, on behalf of all the judges of the Eastern District, Chief Judge Hannah issued General Order No. 03-15, which resolves, "if pending legislation passes that authorizes Plano as a place of holding court, to have half the Sherman Division caseload docketed and tried in Sherman, and the other half of the caseload docketed and tried in Plano. If Judge Brown ceases holding court in Sherman, a new resident judge shall be designated to hold court in Sherman as soon as possible, and pending the new judge's residing in Sherman, 50 percent of civil and criminal cases shall be docketed and tried in Sherman, and the clerk's office in Sherman shall remain staffed sufficiently to support a resident judge."

Relying on this general order, the Grayson County Bar Association, which includes Sherman, and the Collin County Bar Association, which includes Plano, recently approved a joint resolution endorsing this legislation. Furthermore, consistent with the terms of the order, Congressman Ralph Hall inserted the following statement into the CONGRESSIONAL RECORD just moment before House approval of S. 1720 last Wednesday:

Both Sherman and Plano shall have a resident United States District Judge. Fifty percent of the cases filed in or transferred to the Sherman Division of the United States District Court for the Eastern District of Texas shall be assigned for trial and tried in Sherman by either the resident United States District Judge sitting in Sherman or